

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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ANTONIO BURGESS,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-3390
	:	
READING PARKING AUTHORITY,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 6<sup>th</sup> day of August, 2024, upon consideration of Reading Parking Authority's Motion to Dismiss, ECF No. 12, Burgess's Motion to Consolidate, ECF No. 10, the responses and replies filed thereto, and for the reasons articulated in the Opinion issued this date,

**IT IS ORDERED THAT:**

1. The motion to dismiss, ECF No. 12, is **DENIED in part and GRANTED in part**, without prejudice, as follows:
  - a. The motion to dismiss for lack of jurisdiction is **DENIED**.
  - b. The motion to dismiss for failure to state a claim is **GRANTED**.
  - c. Burgess's claims are **DISMISSED** without prejudice.
2. The motion to consolidate is **DENIED** without prejudice.<sup>1</sup>
3. Burgess shall file an amended complaint on or before **August 26, 2024**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> The motion may be submitted again for consideration should any of Burgess's claims proceed as amended.